

REMARKS

The renumber of claims by the Examiner is acknowledged with appreciation. The listing of claims herein follows the Examiner's helpful renumbering. The dependencies of dependent claims have been corrected to reflect the renumbering.

Responsive to the requirement for restriction, applicants hereby elect the claims of Group II, namely, composition claims 37-73, for examination in the instant application. Non-elected claims 1-36 are hereby canceled without prejudice to, or disclaimer of, applicants rights to prosecute the subject matter thereof in an appropriate divisional patent application.

Responsive to the requirement for election of a specific composition, applicants hereby elect the composition wherein ingredient (i) is (+)-(2R,3R)-1-dimethylamino-3-(3-methoxyphenyl)-2-methylpentan-3-ol hydrochloride, and ingredient (ii) is the anti-muscarine agent oxybutinin. The elected compound of ingredient (i) falls under Group c) of claim 37 and corresponds to the hydrochloride salt of a compound of formula I in which R¹ represents an ethyl group; R² represents a methyl group; R³, R⁹, R¹¹, R¹² and R¹³ each represent hydrogen, R¹⁰ represents a methoxy group, and X represents a hydroxyl group. Claims 37, 39-41, 48-51, 54-57 and 71-73 are considered to read on the elected composition.

To expedite further examination of the application, the Examiner may wish to consider further restriction of the application along the lines of Groups a), b), c), d) and e) of claim 37.

Favorable action on the application is earnestly solicited.


If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned at (202) 624-2845 would be appreciated since this should expedite the examination of the application.

Application No. 10/803,187
Reply to Office Action
September 27, 2007

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #029310.53299US).

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Respectfully submitted,



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